

104TH CONGRESS
2D SESSION

S. 1681

To establish a commission to improve the policies and programs of the Federal Government for combatting the proliferation of weapons of mass destruction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1996

Mr. SPECTER (for himself and Mrs. Feinstein) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To establish a commission to improve the policies and programs of the Federal Government for combatting the proliferation of weapons of mass destruction, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combatting Prolifera-
5 tion of Weapons of Mass Destruction Act of 1996”.

1 **TITLE I—ASSESSMENT OF PRO-**
2 **GRAMS AND POLICIES FOR**
3 **COMBATTING PROLIFERA-**
4 **TION**

5 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

6 (a) ESTABLISHMENT.—There is established a com-
7 mission to be known as the Commission on Programs and
8 Policies for Combatting the Proliferation of Weapons of
9 Mass Destruction (hereafter in this Act referred to as the
10 “Commission”).

11 (b) MEMBERSHIP.—The Commission shall be com-
12 posed of 12 members of whom—

13 (1) 6 shall be appointed by the President;

14 (2) 3 shall be appointed by the Majority Leader
15 of the Senate, in consultation with the Minority
16 Leader of the Senate; and

17 (3) 3 shall be appointed by the Speaker of the
18 House of Representatives, in consultation with the
19 Minority Leader of the House of Representatives.

20 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
21 bers shall be appointed for the life of the Commission. Any
22 vacancy in the Commission shall not affect its powers, but
23 shall be filled in the same manner as the original appoint-
24 ment.

1 (d) INITIAL MEETING.—No later than 30 days after
2 the date on which all members of the Commission have
3 been appointed, the Commission shall hold its first meet-
4 ing.

5 (e) QUORUM.—A majority of the members of the
6 Commission shall constitute a quorum, but a lesser num-
7 ber of members may hold hearings.

8 (f) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
9 sion shall select a Chairman and Vice Chairman from
10 among its members.

11 (g) MEETINGS.—The Commission shall meet at the
12 call of the Chairman.

13 **SEC. 102. DUTIES OF COMMISSION.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Commission shall carry
16 out a thorough study of the organization, policies,
17 and programs of the U.S. Government related to
18 combatting the proliferation of weapons of mass de-
19 struction.

20 (2) SPECIFIC REQUIREMENTS.—In carrying out
21 the study, the Commission shall—

22 (A) assess the effectiveness of the policies
23 and programs of all departments and agencies
24 of the Federal Government including the intel-
25 ligence community in meeting the national secu-

1 rity interests of the United States with respect
2 to the proliferation of such weapons; and

3 (B) assess the current structure and orga-
4 nization of all Federal agencies of the intel-
5 ligence community and the intelligence-gather-
6 ing services of foreign governments in address-
7 ing issues relating to the proliferation of such
8 weapons.

9 (b) RECOMMENDATIONS.—In conducting the study,
10 the Commission shall develop recommendations on means
11 of improving the effectiveness of the organization, policies,
12 programs of the intelligence community, and the programs
13 and policies of the other departments and agencies of the
14 Federal Government, in meeting the national security in-
15 terests of the United States with respect to the prolifera-
16 tion of weapons of mass destruction.

17 (c) REPORT.—Not later than 18 months after the
18 date of the enactment of this Act, the Commission shall
19 submit to Congress a report containing a detailed state-
20 ment of the findings and conclusions of the Commission,
21 together with its recommendations for such legislation and
22 administrative actions as it considers appropriate.

23 **SEC. 103. POWERS OF COMMISSION.**

24 (a) HEARINGS.—The Commission may hold such
25 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers advisable to carry out the purposes of this title.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
4 Commission may secure directly from any Federal depart-
5 ment or agency such information as the Commission con-
6 siderers necessary to carry out the provisions of this title.
7 Upon request of the Chairman of the Commission, the
8 head of such department or agency shall furnish such in-
9 formation to the Commission.

10 (c) POSTAL SERVICES.—The Commission may use
11 the United States mails in the same manner and under
12 the same conditions as other departments and agencies of
13 the Federal Government.

14 (d) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

16 **SEC. 104. COMMISSION PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding traveltime) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairman of the Com-
13 mission may, without regard to the civil service laws
14 and regulations, appoint and terminate an executive
15 director and such other additional personnel as may
16 be necessary to enable the Commission to perform
17 its duties. The employment of an executive director
18 shall be subject to confirmation by the Commission.

19 (2) COMPENSATION.—The Chairman of the
20 Commission may fix the compensation of the execu-
21 tive director and other personnel without regard to
22 the provisions of chapter 51 and subchapter III of
23 chapter 53 of title 5, United States Code, relating
24 to classification of positions and General Schedule
25 pay rates, except that the rate of pay for the execu-

1 tive director and other personnel may not exceed the
2 rate payable for level V of the Executive Schedule
3 under section 5316 of such title.

4 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
5 Federal Government employee may be detailed to the
6 Commission without reimbursement, and such detail shall
7 be without interruption or loss of civil service status or
8 privilege.

9 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
10 TENT SERVICES.—The Chairman of the Commission may
11 procure temporary and intermittent services under section
12 3109(b) of title 5, United States Code, at rates for individ-
13 uals which do not exceed the daily equivalent of the annual
14 rate of basic pay prescribed for level V of the Executive
15 Schedule under section 5316 of such title.

16 **SEC. 105. TERMINATION OF COMMISSION.**

17 The Commission shall terminate 60 days after the
18 date on which the Commission submits its report under
19 section 102(c).

20 **SEC. 106. DEFINITION.**

21 For purposes of this title, the term “intelligence com-
22 munity” shall have the meaning given such term in section
23 3(4) of the National Security Act of 1947 (50 U.S.C.
24 401a(4)).

1 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
 3 priated for the Commission for fiscal year 1996 such sums
 4 as may be necessary for the Commission to carry out its
 5 duties under this title.

6 (b) AVAILABILITY.—Amounts appropriated pursuant
 7 to the authorization of appropriations in subsection (a)
 8 shall remain available until the termination of the Com-
 9 mission under section 105.

10 **TITLE II—OTHER MATTERS**

11 **SEC. 201. REPORTS ON ACQUISITION OF TECHNOLOGY RE-**
 12 **LATING TO WEAPONS OF MASS DESTRUCTION**
 13 **AND ADVANCED CONVENTIONAL MUNITIONS.**

14 (a) REPORTS.—Not later than 6 months after the
 15 date of the enactment of this Act, and every 6 months
 16 thereafter, the Director of Central Intelligence shall sub-
 17 mit to Congress a report on—

18 (1) the acquisition by foreign countries during
 19 the preceding 6 months of dual-use and other tech-
 20 nology useful for the development or production of
 21 weapons of mass destruction (including nuclear
 22 weapons, chemical weapons, and biological weapons)
 23 and advanced conventional munitions; and

24 (2) trends in the acquisition of such technology
 25 by such countries.

- 1 (b) FORM OF REPORTS.—The reports submitted
- 2 under subsection (a) shall be submitted in unclassified
- 3 form, but may include a classified annex.

